

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Silviano Christman

Write the first and last name of each plaintiff or petitioner.

Case No. 20 CV 8124

-against-

Robin Collins, Warden, North  
Infirmity Command

Write the first and last name of each defendant or respondent.

DECLARATION

Silviano Christman, affirms under oath

Briefly explain above the purpose of the declaration, for example, "In Opposition to Defendant's Motion for Summary Judgment," or "In Response to Order to Show Cause."

I, Silviano Christman, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

On 10/14/2014, I pled guilty to attempted bank robbery, bank fraud & attempted bank fraud and sentenced to 40 months imprisonment & 5 yrs Supervised Release. Although I did plead guilty, I did so coersively as a result of my then attorneys threats that if I took this case to trial, I would lose & sentenced to a life term. She did

not explain how the Guidelines worked nor did she conduct any type of investigation, nor explain jury trials & how they worked - my right to such trial, evidence allowed, my right to testify nor did she do anything beyond "telling" me to "cooperate" or spend a life in prison. When I entered my plea, she further told me what to say, how to say it & explained I must be convincing or the court would not take my plea. At sentencing, I explicitly told counsel to appeal - I did not know how the process worked at that point. She told me disgustedly she would but it would take years to go through. It was not until after the time to file a § 2255 petition had passed, did I learn that counsel failed to file such notice of appeal. I thus request a Fuller remand for entry of a new judgment to replace the existing judgment so I can appeal, pursuant to U.S. v. Fuller, 332 F.3d 60 (2d Cir. 2003) in light of Poe v. Flores-Ortega, 528 U.S. 470 (2000) & Garza v. Idaho, 139 ~~U.S.~~ S.Ct. 738 (2019) & its progeny; U.S. v. Medley, 300 Fed. Appx 14 (2d Cir. 2008); McBee v. U.S., 2006 U.S. Dist. Lexis 32199 (D. Conn) (5/16/06). If this Court fails to do so, I would be exposed to the risk that I would be subject to the stringent standards applicable to a second or successive § 2255 petition - leaving my current judgment in tact.

Attach additional pages and documents if necessary.

12/16/2020  
Executed on (date)

Silviano Christman  
Name

1500 Hazen Street E. Elmhurst  
Address City

11/10  
Telephone Number (if available)

Silviano Christman  
Signature

3491903612  
Prison Identification # (if incarcerated)

N.Y. 11370  
State Zip Code

E-mail Address (if available)

Silviano Chrisman  
3491903682

NIC

1500 Harn Street  
Elmhurst NY  
11370

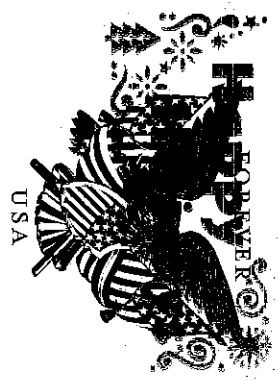
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United States District Court  
Southern District NY  
500 Pearl Street  
NY NY 10007

Pro Se

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